CLERK OF THE SUPREME COURT STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

	No. PR 06-0120		FLLL
			AUG 1 7 2010
STATE OF MONTANA,)	Ed Smith
Plaintiff,)	CLERK OF THE SUPREME COURT STATE OF MONTANA
V.)	ORDER
TIMOTHY J. LONGJAW,)	
Defendant.)	

Timothy J. Longjaw seeks to disqualify the Honorable Robert L. Deschamps, III, from presiding in Cause No. DC 09-646 in the Fourth Judicial District Court, Missoula County, pursuant to § 3-1-805, MCA. Longjaw has submitted an affidavit in support of his motion to disqualify Judge Deschamps.

Section 3-1-805(1)(a), MCA, provides that an affidavit in support of a motion to disqualify a district judge for cause will be deemed not to have been made in good faith if it is based solely on rulings in the case that can be addressed in an appeal from the final judgment. Longjaw's affidavit is based solely on rulings in the case that can be addressed in an appeal from the final judgment. As a result, we deem the motion to disqualify not to have been made in good faith.

IT IS THEREFORE ORDERED:

- 1. The request to disqualify District Judge Deschamps from Missoula County Cause No. DC-09-646 is DENIED.
- 2. The Clerk is directed to provide copies of this order to the Clerk of the District Court of Missoula County for notification to all counsel of record in Cause No. DC-09-646, and to the Honorable Robert L. Deschamps, III, District Judge.

DATED this 17^{12} day of August, 2010.

Chief Justice